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Patent
Attorney Docket No.: PD-201191
Customer No.: 020991**REMARKS**

By this amendment, claims 1-5, 7-12, 14-19, 21-26 and 28-39 are pending, in which claims 6, 13, 20, and 27 are canceled without prejudice or disclaimer, claims 1, 2, 5, 7-9, 14-16, 21-23 and 28 are currently amended, and claims 29-39 are newly presented. Care was exercised to avoid the introduction of new matter.

The Office Action mailed January 21, 2005 rejected claims 22-28 under 35 U.S.C. § 101 as being directed to non-statutory subject matter, claims 1, 2, 6-9, 13-16, 20-23, 27 and 28 under 35 U.S.C. § 102 as anticipated by *Cameal et al.* (US 6,282,542), claims 3, 10, 17 and 24 as obvious under 35 U.S.C. § 103 based on *Cameal et al.* in view of *Sridhar et al.* (US 6,266,701), claims 4, 11, 18 and 25 as obvious under 35 U.S.C. § 103 based on *Cameal et al.* in view of *Quantum Prime Communications*, and claims 5, 12, 19 and 26 as obvious under 35 U.S.C. § 103 based on *Cameal et al.* in view of *Marks et al.* (US 6,463,447).

The Specification was amended to correct a discovered informality.

First, Applicants acknowledge with appreciation the courtesy of an interview granted to Applicants' attorney, Mr. Phouphanomketh (a.k.a., Keth) Dittthavong (Reg. No. 44,658), on April 19, 2005 at which time the subject invention was explained in light of Applicants' disclosure, the outstanding issues were discussed, and arguments substantially as hereinafter developed were presented. During the interview, which was also attended by Primary Examiner Marc Thompson, Applicants' representative sought clarification on the §101 rejection, in which the Examiner indicated that new rules dictate such a rejection. However, Applicants' attorney noted that no official rules in this regard have been promulgated to the public. Applicants also discussed claims 2 and 5 in light of the applied art. No formal agreement was reached, pending the Examiner's detailed reconsideration of the application upon formal submission of a response to the outstanding Official Action.

With respect to the §101 rejection, Applicants respectfully traverse the rejection. The Office Action, on page 2, states "The 'computer-readable medium' claimed in claims 22-28, as defined in the specification, is not limited to a tangible physical medium....The specification also provides that the medium may be a carrier wave as well as additional types of medium are not tangible physical mediums." However, MPEP §2106 (c) clearly states:

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A signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature. See *O'Reilly*, 56 US at 114-19; *In re Breslow*, 616 F.2d 516, 519-21, 205 USPQ 221, 225-26 (CCPA 1980).

Applicants' computer-readable medium indeed has a practical application, "for providing content to a client," as positively recited in the preamble. Therefore, claims 22-28 are statutory under §101.

In the interest of advance prosecution, Applicants have amended independent claims 1, 8, 15 and 22. Claim 1, as amended, recites "a downstream proxy server configured to communicate with a client that is configured to transmit a message requesting content specifying an object from a content server, wherein the message includes a cookie associated with the client; and an upstream proxy server configured to include the cookie in a read-ahead request to retrieve the content from the content server and to forward the object in accordance with the cookie over a data network to the downstream proxy server prior to the client transmitting another message requesting the object." Amended independent claims 8 and 22 recite "determining whether the message includes a cookie associated with the client; including the cookie in a read-ahead request; retrieving the content specifying an object based on the read-ahead request; and forwarding the object in accordance with the cookie to the downstream server prior to the client transmitting a message requesting the object." Independent claim 15 now recites "means for determining whether the message includes a cookie associated with the client; means for including the cookie in a read-ahead request; means for retrieving content specifying an object from a content server based on the read-ahead request; and means for forwarding the object in accordance with the cookie to the downstream server prior to the client transmitting a message requesting the object."

By contrast, as explained in the personal interview of April 19, 2005, *Carneal et al.* provides no disclosure of any use of a cookie, particularly in the manner claimed. Further, this deficiency is not cured by the secondary references of *Snidhar et al.*, *Quantum Prime Communications*, and *Marks et al.*

Accordingly, amended claims 1, 8, 15 and 22 are not disclosed in the art of record, individually or in combination.

Dependent claims 2-5, 7, 9-12, 14, 16-19, 21, 23-26 and 27 are also allowable for at least the reasons for the allowability of the amended independent claims. Additionally, the dependent claims are allowable on their own merits. For example, dependent claim 2 recites "wherein the upstream proxy

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server transmits the object to the downstream proxy server based on a predetermined criteria relating to the object, **the predetermined criteria including size of the object or life of the object.**"

Turning now to newly added claims 29-39, claims 29-34 depend corresponding from amended independent claims 1 and 15, and thus, are allowable. For example, claim 29 recites "forwarding a list specifying expected objects corresponding to the content, wherein the downstream server blocks requests from the client for objects on the list." Claim 30 recites "determining whether the object is cacheable, wherein the object is forwarded if the object is cacheable." Claim 31 recites "wherein the downstream server explicitly tracks objects stored in a local cache, the downstream server forwarding the message only if the object associated with the requested content is not stored in the local cache."

With respect to new independent claim 35, this claim is directed to a method of providing content to a client, and recites "receiving a message from a client requesting content specifying an object from a content server, wherein **the message includes a cookie**; transmitting the message to an **upstream server configured to include the cookie in a request to retrieve the content from the content server**, and receiving, from the upstream server, the object in accordance with the cookie over a data network prior to the client transmitting another message requesting the object." As explained, the applied art does not disclose use of a cookie in the manner claimed.

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Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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